

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

NATIONAL SIGNS, LLC,

Debtor,

Case No. 24-32403

Chapter 7

BAKERS' SIGNS &
MANUFACTURING, INC.,

Plaintiff,

v.

LOUIS MCMURREY GIRARD,

Defendant.

Adv. No. 24-03219

**BAKERS' SIGNS' UNOPPOSED MOTION TO STAY
GIRARD'S MOTION TO DISMISS**

Plaintiff Bakers' Signs & Manufacturing, Inc. ("Bakers' Signs") requests the Court stay the deadline for Bakers' response to Defendant Louis McMurrey Girard's Rule 12(b)(6) Motion to Dismiss [ECF No. 4], until after the Court has determined jurisdiction in this matter.

Bakers' Signs makes this request for good cause. This matter was originally filed in Texas state court against Girard. Girard then removed this matter on October 28, 2024, simultaneously filing a motion to dismiss. Bakers' Signs' opposition to the motion to dismiss or its amended complaint in response to the motion is currently due on or before November 18. However, Bakers' Signs has until November 27 to move to remand this matter.

Consideration of the motion to dismiss before the time for remand would waste judicial resources, since a response to Girard's motion would not be necessary if this matter

is remanded. Moreover, Bakers' Signs would be prejudiced by amending its pleading in response to the motion to dismiss, since it would have to amend to plead under the Federal Rules of Civil Procedure, rather than the Texas Rules of Civil Procedure.

For these reasons, Bakers' Signs requests that the Court extend the deadline for responsive pleadings (including but not limited to any opposition or amended pleading under Rule 15(a)(1)(B)) until 21 days after jurisdiction has been settled in this Court by either denying Bakers' Signs' motion to remand or, alternatively, if Bakers' Signs ultimately does not request remand, until the deadline to file a motion to remand has passed.

Prior to filing this motion, Bakers' Signs' conferred with Girard's counsel, and Girard was unopposed to the relief requested.

Accordingly, Bakers' Signs deadline to file papers responsive to Girard's Motion to Dismiss should be extended to 21 days after the Court's decision denying remand, or alternatively, 21 days after the deadline to request remand, if a motion to remand is not filed.

Respectfully submitted,

/s/ Allen H. Zwernemann

By: _____

Allen H. Zwernemann

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CERTIFICATE OF CONFERENCE

Prior to filing this motion, I conferred with Girard's counsel, and Girard was unopposed to the requested extension.

/s/ Allen H. Zwernemann

Allen H. Zwernemann